

## EXHIBIT 4.2: NATIONAL REGISTER DEFINITIONS AND ELIGIBILITY CRITERIA

### TYPES OF RESOURCES

Efforts to identify cultural resources in the project Study Area or APE need to take into account all types of cultural resources.

### FEDERAL AND STATE TERMS

The term “cultural resource” means any tangible or observable evidence of past human activity, *regardless of significance*, found in direct association with a geographic location, including tangible properties possessing intangible traditional cultural values. Once a cultural resource is evaluated, if it is found to be significant, it is then called a historic property under Section 106, or a historical resource under CEQA, depending on whether federal and/or state regulations apply. Using the definitions contained in the National Register of Historic Places (National Register) and California Register of Historical Resources (California Register) criteria, which are quite similar, can further refine the definition of “cultural resource.”

### NATIONAL REGISTER DEFINITION OF RESOURCE TYPES

The National Register and California Register criteria for evaluation use the same categories for types of cultural resources: building, structure, object, site and district. The following definitions have been excerpted from [National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation](#):

**BUILDING** - “A building, such as a house, barn, or similar construction, is created principally to shelter any form of human activity. ‘Building’ may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.” (*Examples: houses, stables, garages, city halls, commercial buildings, factories, hotels, mills, and train depots*).

**STRUCTURE** - “The term ‘structure’ is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter.” (*Examples: bridges, tunnels, gold dredges, fire lookout towers, canals, ditches, dams, power plants, silos, systems of roadways and paths, kilns, earthworks, and bandstands*).

**OBJECT** - “The term ‘object’ is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design,

movable, an object is associated with a specific setting or environment.” (*Examples: sculpture, statuary, monuments, boundary markers, and fountains*).

**SITE** - “A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure.” (*Examples: habitation sites, rock shelters, cemeteries, gardens, battlefields, ruins of historic buildings and structures, mining sites, shipwrecks, locations of treaty signings, trails, designed landscapes, and land areas having traditional cultural significance*).

**DISTRICT** - “A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.” (*Examples: college campuses, central business districts, large forts, industrial complexes, rural villages, canal systems, large farms, ranches, estates or plantations, transportation networks, large landscaped parks, and collections of habitation and limited activity sites*).

## EVALUATION CRITERIA

Caltrans uses two sets of evaluation criteria simultaneously:

- [National Register of Historic Places criteria](#) – to comply with federal laws and regulations and with the state’s Public Resources Code (PRC) §5024.
- [California Register of Historical Resources criteria](#) – to comply with [CEQA](#) (CEQA Guidelines Section 15064.5) and other relevant state regulations whether a project is a joint federal and state project or a state-only project. Caltrans does not make determinations of eligibility under state law. Rather, Caltrans uses the California Register criteria to determine whether a resource is a historical resource for purposes of CEQA.

National Register criteria are expressed in capital letters [such as Criterion A]. National Register Criteria Considerations are generally expressed in lower-case letters contained in parentheses [such as Criteria Consideration (a) – religious properties]. California Register criteria are expressed as numbers [such as Criterion 1].

Because the National Register and the California Register criteria identify similar types of resources and are largely parallel, similar standards and procedures apply to both kinds of evaluations. Both require a cultural resource to have significance as revealed in the background research and established in the historic contexts for the project area. In the National and California Registers,

the quality of significance in these resources needs to fall under the general themes of history and prehistory, including but not limited to culture, architecture, engineering, science, economics, agriculture, education, politics, or military.

NATIONAL REGISTER CRITERIA	CALIFORNIA REGISTER CRITERIA
A. <b>Events</b> that have made a significant contribution to the broad patterns of our history,	(1) <b>Events</b> that have made a significant contribution to the broad patterns of California's history and cultural heritage.
B. Lives of <b>persons</b> significant in our past; or	(2) Lives of <b>persons</b> important in our past.
C. Distinctive characteristics of a <b>type, period, or method of construction, work of a master, high artistic values</b> , or that represent a <b>significant and distinguishable entity</b> whose components may lack individual distinction.	(3) Distinctive characteristics of a <b>type, period, region, or method of construction, work of an important creative individual, or possess high artistic values</b> .
D. Yielded, or may be likely to yield, <b>information important in prehistory or history</b> .	(4) Yielded, or may be likely to yield, <b>information important in prehistory or history</b> .

Likewise, both sets of criteria have exceptions to what can be considered eligible for inclusion. These exceptions mostly address resource types rather than significance and are called Criteria Considerations in the National Register and Special Considerations in the California Register. See **Exhibit 2.16** for a comparison of the National Register and California Register eligibility requirements.

In addition to being significant and meeting one of the four criteria for eligibility, the National and California Registers require that a resource have integrity. As defined in [National Register Bulletin 16A](#) (Appendix IV: 3) integrity is “authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic or prehistoric period.” A historic property must retain enough of its essential physical features to convey its significance. In Section 106 language this is expressed as “the characteristics of a historic property that qualify the property for inclusion in the National Register” [36 CFR §800.6(a)(1)].

- A property’s *essential physical features* are those elements that define:
- **WHY** it is significant (the applicable National Register Criteria and Areas of Significance) and
- **WHEN** it was significant (Period of Significance).

Integrity is the manifestation of the significant period, themes, and contexts developed in the overview sections of the cultural resource evaluation documents. This is common to all historic property types, including archaeological sites. However, the “essential physical features” will vary, depending on the *type* of resource (building, structure, site, object or district) and *why* it is sig-

nificant. For most non-archaeological resources, essential physical features are visible and can readily convey the resource's historic appearance. Essential physical features of prehistoric and historical archaeological sites may be buried or the values are not as readily apparent.

Resources that appear to retain a satisfactory level of integrity should be researched to the extent necessary to determine the resource's design value and potential association with important events and people. Research on ownership, historic use, period of potential importance, design, and other relevant information should be conducted as appropriate.

[National Register Bulletin 15](#): offers excellent guidance in determining significance and assessing integrity and is the backbone of the guidance Caltrans uses when evaluating cultural resources for National Register eligibility. See Exhibit 4.1 for a list of other National Register Bulletins that Caltrans uses to supplement the *Environmental Handbook*.

## **DETERMINATIONS OF ELIGIBILITY**

All evaluations of cultural resources within a project APE must contain a definitive statement as to whether the resources appear to meet the National and California Register criteria. Evaluations for most non-archaeological resources must contain a statement of proposed eligibility or non-eligibility in the HPSR and supporting cultural resources studies. For some resources, however, the evaluation and statements of eligibility need to be phased and submitted to SHPO for review and concurrence at a later stage in the environmental process. Such resources may include archaeological and historical archaeological sites or resources for which access is restricted.

In order to comply with the [Section 106 regulations](#), a determination of eligibility requires certain information about a resource that the cultural resources specialists obtain during historical and, where applicable, archaeological research. Section 106 regulations refer to the federal guidelines for determining eligibility, found in 36 CFR 63. According to the "Guidelines for Level of Documentation to Accompany Requests for Determinations of Eligibility for Inclusion in the National Register" published with [36 CFR Part 63](#), this information must contain substantive information on the resource, including a description of the resource, statement of significance, photographs and a map. If a case is being made for why a resource is eligible for inclusion in the National Register, the information must also contain specific boundaries, its period of significance, level of significance (local, state, national), applicable National Register Criteria or exceptions, and an explanation of why the resource is eligible for listing in the National Register.

Eligibility information is contained in the HPSR, supporting technical reports, and DPR 523 forms for the cultural resources being evaluated. More detailed discussion regarding what constitutes an appropriate level of documentation is contained in Chapter 5 for prehistoric archaeological resources, Chapter 6 for historical archaeological resources and Chapter 7 for built-environment resources.